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Paper No.

ASTRAZENECA R&D BOSTON
35 GATEHOUSE DRIVE
WALTHAM MA 02451-1215

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JUN 25 2007

OFFICE OF PETITIONS

In re Application of :
Bird et al. : DECISION ON APPLICATION
Application No. 10/525,111 : FOR
Filed: February 18, 2005 : PATENT TERM ADJUSTMENT
Atty Docket No. 100812-1P US :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b)(3)(B)(ii) & 37 C.F.R. § 1.705(b)," filed May 11, 2007. Applicants request that the initial determination of patent term adjustment be corrected from fifty-seven (57) to seventy-five (75) days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is SEVENTY-FIVE (75) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On February 22, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 57 days. On May 11, 2007, applicants timely¹ submitted an application for patent term adjustment (with required fee). Applicants request correction of the PTA to 75 days. Applicants dispute the reduction of 18 days for the period from January 6, 2007 to January 23, 2007 associated with the response filed January 23, 2007. Applicants assert that this response was expressly requested by the examiner and thus, no reduction pursuant to 1.704(c)(8) is warranted.

¹ The Issue Fee payment was also received on May 11, 2007.

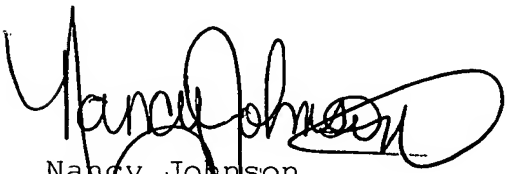
The record supports a conclusion that this additional response was expressly requested by the examiner. Accordingly, the PTA should not have been reduced by 18 days, the number of days beginning on the day after the date the initial reply was filed, January 5, 2007, and ending on the date that the supplemental reply or other such paper was filed, January 23, 2007 for the filing of the supplemental response. The reduction of 18 days has been removed.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is SEVENTY-FIVE (75) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Office of Patent Publication for issuance of the application.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation

Day : Saturday
Date: 6/23/2007

PALM INTRANET

Time: 14:29:31

PTA Calculations for Application: 10/525111

Application Filing Date:	02/18/2005	PTO Delay (PTO):	125
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	68
Post-Issue Petitions:	0	Total PTA (days):	75
PTO Delay Adjustment:	18		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
37	06/23/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	18		
28	02/22/2007	MAIL NOTICE OF ALLOWANCE			
27	02/16/2007	ISSUE REVISION COMPLETED			
26	02/16/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
25	02/16/2007	CASE DOCKETED TO EXAMINER IN GAU			
24	02/16/2007	NOTICE OF ALLOWABILITY			
23	02/01/2007	DATE FORWARDED TO EXAMINER			
22	01/23/2007	SUPPLEMENTAL RESPONSE		18	20
21	01/16/2007	DATE FORWARDED TO EXAMINER			
20	01/05/2007	RESPONSE AFTER NON-FINAL ACTION		50	17
19	12/07/2006	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
18	12/02/2006	DATE FORWARDED TO EXAMINER			
17.1	11/16/2006	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
17	11/16/2006	RESPONSE AFTER NON-FINAL ACTION			
16	08/21/2006	MAIL NON-FINAL REJECTION	125		-1
15	08/18/2006	NON-FINAL REJECTION			
14	08/31/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
13	02/18/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
12	11/01/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
11	11/01/2005	CASE DOCKETED TO EXAMINER IN GAU			
10	02/18/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

9	02/18/2005	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
8	02/18/2005	PRELIMINARY AMENDMENT			
7	08/31/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	07/18/2005	CLEARED BY OIPE CSR			
5	07/18/2005	CLEARED BY OIPE CSR			
4	02/18/2005	371 COMPLETION DATE			
3	07/08/2005	APPLICATION DISPATCHED FROM OIPE			
2	07/08/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			
1	02/18/2005	INITIAL EXAM TEAM NN			

Search Another: Application#

Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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